



PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Scott E. Zook et al.  
Application No. : 10/648,812  
Filed : August 26, 2003  
For : NOVEL POLYMORPH OF N-METHYL-N-(3-{3-[2-THIENYLCARBONYL]-  
PYRAZOL-[1,5- $\alpha$ ]-PYRIMIDIN-7-YL}PHENYL)ACETAMIDE AND  
COMPOSITIONS AND METHODS RELATED THERETO

Examiner : Thomas C. McKenzie  
Art Unit : 1624  
Date of Notice Allowance : October 28, 2004  
Docket No. : 690068.569  
Date : December 15, 2004

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT

Commissioner for Patents:

Applicant hereby requests reconsideration of the patent term noted in the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) provided with the Notice of Allowance mailed October 28, 2004. A check including the amount of \$200 for this application is enclosed.

Statement of the Facts:

The Determination of Patent Adjustment under 35 U.S.C. 154(b) indicates that the Patent Term Adjustment for this application to date is zero (0) days. Applicants submit that the correct patent term adjustment for this application should be two (2) days, calculated as follows:

- This application was filed on August 26, 2003.

▪ A Notice to File Missing Parts was mailed by the USPTO on November 18, 2003. Applicants timely mailed a Response to Notice to File Missing Parts on January 16, 2004. Applicants' Response was received by the USPTO on January 16, 2004, as evidenced by the date-stamped return postcard for the Response to Notice to File Missing Parts, a copy of which is submitted herewith. Despite Applicants' timely response to the Notice to File Missing Parts, the U.S. Patent Office has deducted 21 days of Patent Term.

▪ The initial action by the USPTO was a Notice of Allowance mailed October 28, 2004. Pursuant to 37 CFR 1.702(a), this initial action should have been issued by the USPTO within 14 months of the filing date of the application. Therefore, pursuant to 37 CFR 1.703(a)(1), the initial action was two (2) days late.

▪ Applicants are paying the issue fee today, December 15, 2004, within three months of the mailing date of the Notice of Allowance. Accordingly, pursuant to 37 CFR 1.703(b), Applicants' response is timely filed.

In view of the foregoing, Applicants are entitled to a patent term adjustment of two (2) days (21 days reinstated for timely-filed Response to Notice to File Missing Parts; plus two (2) days for late issuance of first Office Action) and respectfully request that such a patent term adjustment be granted. Applicants note that this application is not subject to a terminal disclaimer.

The Director is authorized to charge any additional fees due by way of this Application, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



Karl R. Hermanns

Registration No. 33,507

KRH:lhk

Application No. 10/648,812

Application for PTA provided by Notice of Allowance mailed October 28, 2004

Enclosures:

Check including \$200.00 fee

Copy of Determination of Patent Term Adjustment under 35 U.S.C. 154(b) as provided  
with Notice of Allowance

Copy of Date-Stamped Returned Postcard for the Response to Notice to File Missing  
Parts

701 Fifth Avenue, Suite 6300

Seattle, Washington 98104-7092

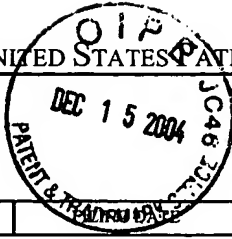
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## UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,812	Scott E. Zook	690068.569	4567

00500 7590 10/28/2004

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
 701 FIFTH AVE  
 SUITE 6300  
 SEATTLE, WA 98104-7092

EXAMINER

MCKENZIE, THOMAS C

ART UNIT	PAPER NUMBER
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1624

DATE MAILED: 10/28/2004

**Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**  
 (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

SENT: January 16, 2004

DUE: January 18, 2004

Date Stamp



Kindly acknowledge receipt of the below-listed documents by placing your receiving stamp hereon and mailing:

Check for \$1,454; Transmittal Form; Fee Transmittal (+ copy); Response to Notice to File Missing Parts; Declaration; Election/Power of Attorney; Statement Under 37 CFR 3.73(b); Copy of Assignment; Copy of Notice to File Missing Parts; Information Disclosure Statement, PTO-1449 (1 page); in re: Scott E. Zook et al., USAN 10/648,812, filed August 26, 2003, for NOVEL POLYMORPH OF N-METHYL-N-(3-{3-[2-THIENYLCARBONYL]-PYRAZOL-[1,5- $\alpha$ ]-PYRIMIDIN-7-YL}PHENYL)ACETAMIDE AND COMPOSITIONS AND METHODS RELATED THERETO.

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